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August 22, 2008

Hon. Victor Marrero
United States District Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: United States v. Jones
08 Cr 535 (VM)

BY HAND

Dear Judge Marrero:

I write reluctantly to involve you in seeking a solution to a continuing problem with the MCC in this case.

You will recall that we sought, and gained, permission to retain the services of Kathleen O'Boyle as our mitigation expert in this case. You also signed an order to have her admitted to the MCC. The MCC, for security reasons I am sure, requires that counsel on the case fax a letter to them advising them of Ms. O'Boyle's visit and that the letter be received 24 hours before that visit. We have attempted to comply with their regulations.

On the first occasion that Ms. O'Boyle attempted to enter when she was with the rest of the team. She was turned away. We did not complain because the letter had been faxed later than required, although an official at the MCC had confirmed to my secretary that the letter had been received and that she would be admitted. Yesterday she was turned away again despite the fact that all the MCC's requirement had been met.

Mr Goltzer had sent the letter on Tuesday. It's receipt was confirmed by Mr. Haas from legal who advised Mr. Goltzer that he had his dates wrong and confirmed that the visit was to occur on Wednesday. When Ms. O'Boyle arrived at the MCC she was turned away again as no memo had been sent to the front desk and there was no one available to confirm that she was to be admitted.

I cannot help the impediments that the MCC puts in the way of visitations from defense staff and my opinion of them, although obvious from the tone of this letter, is irrelevant. But, if

LAW OFFICES

FREDERICK H. COHN

Hon. Victor Marrero/re MCC

August 22, 2008

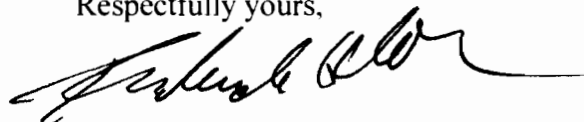
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we must comply with their regulations, so should they. The inability of staff to arrange the visit of a reputable mitigation expert who has worked on a number of cases and is known to the Bureau of prisons, has caused her embarrassment, wasted her time, cost money from the CJA budget which must pay for her vouchered time for her effort, hampered our defense and discomfited our client who has still not met his mitigation expert and, until he receives this letter, and who knows when that will be, will think the less of his attorneys because we promise him a visit from Ms. O'Boyle and it never seems to happen.

I know that the judiciary in general is loathe to interfere with the MCC but the court has an obligation to ensure that the defense team can do its job in a death eligible case. Unless the MCC can assure the court that Ms. O'Boyle will not encounter these difficulties again, we are requesting an order allowing Ms. O'Boyle to visit Mr. Jones without prior arrangements.

As you can see I am copying the Warden and the Government.

Respectfully yours,



Frederick H. Cohn

CC: James Cross, Warden (by hand)

Jason Jones

Steve Lee, AUSA (by fax)

Don Buchwald, Esq.

Kathleen O'Boyle

<i>The Government is directed to respond by 8-29-08 to the request of defendant Jason Jones herein, indicating specifically whether further proceedings requiring the appearance of the Bureau of Prisons to explain the circumstances described SO ORDERED: above may be warranted.</i>	
<i>8-25-08</i>	<i>[Signature]</i>
DATE	VICTOR MARRERO, U.S.D.J.